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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,194	07/31/2001	Marie S. Chan	5257A	3976

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EXAMINER
EINSMANN, MARGARET V

ART UNIT	PAPER NUMBER
1751	5

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/919,194	Applicant(s) CHAN ET AL.	
	Examiner Margaret Einsmann	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) 1-20 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Definitions of certain variables, critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

The structure of formula A in claims 1 and 11 lack a definition of variables a1, a2, a3, a4, a5, b1, b2, b3, b4, and b5. The description of formula A in the specification is the same as in the claims. Accordingly this critical information is neither in the specification or in the claims. Therefore it is impossible to determine the scope of the claimed subject matter.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The definition of variables a1-a5 and b1-b5 are missing from formula A. However, on page 18, which is after formula of claim 1, definitions are given of to a_i and s_i which are not variables in formula A. Those variables are in formula (B). However the same

definitions are repeated below formula (B) they are both above and below formula (B) on page 18. The same situation exists in claim 11, the other independent claim.

Claims 11-20 are duplicates of claims 1-11, as the only difference is in the preamble where, in claim 11, the term ""non-film forming" has been inserted before "composition." Since the components are the same, the claimed subject matter is exactly the same. Additionally, when read in light of the specification, the compositions of claims 1-10 are "non-film forming." Accordingly claims 1-10 and 11-20 claim the same subject matter. If claims 1-10 are allowed, claims 11-20 will be rejected as being a substantial duplicate thereof.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,4,5-7,9-12,14-17,19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hart et al., US 6,524,494.

Hart discloses a process of dewrinkling and providing rewrinkling resistance o a fabric by providing a composition comprising ethoxylated castor oil as claimed in claim 5. Table 2 in column 7 lines 19-37 discloses compositions comprising CREMOPHOR H60 and CREMOPHOR H40, both of which are ethoxylated castor oils. In example 4 on page 9, two of the compositions listed on table 2 as comprising ethoxylated castor oil were evaluated for dewrinkling effect. Accordingly the limitations of the claims are met. Regarding the limitation of the HLB, this office is not equipped to evaluate such a property, so since applicant is using the same ingredient as claimed, it is assumed to have the same physical properties since a compound cannot be separated from its properties.

Claims 1,2,4,6,7,11,12,14,16,17 and19 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Proctor and Gamble Company, WO 99/55948. Wrinkle reducing compositions are provided which comprise polyethylene-polypropylene block polymers which fall within the scope of the claimed subject matter. Note applicant's list of preferred lubricant/Plasticizer components on page 12 of the specification. Three of them are Pluronic surfactants. Note page 15 of P and G: The Pluronic surfactants are listed from lines 8-18 as optional additives in patentee's wrinkle reducing compositions. Patentee has no working examples comprising a Pluronic surfactant. It would have been obvious to the skilled artisan to use the Pluronic surfactants in the compositions in the working examples because patentee teaches that said surfactants are equivalent to

the wetting agents used in the working examples. Regarding the limitation of the HLB, this office is not equipped to evaluate such a property, so since applicant is using the same ingredient as claimed, it is assumed to have the same physical properties since a compound cannot be separated from its properties.

Claims 1-4, 6-9,11-14,16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morales, US 6,102,973. Morales discloses a method of producing wash and wear properties in which he incorporates a high density polyethylene in an aqueous emulsion with cationic emulsifiers (C1) or with nonionic emulsifiers (C2), as well as a wetting agent (A) which is a linear alcohol ethoxylate , col 2 lines 66-67, col 3 lines 5-6. The patent differs from the claimed subject matter since patentee does not state that the composition "provides rewrinkling resistance." It would have been obvious to one skilled in the art that when a garment has wash and wear properties it resists wrinkling; that is it does not need to be ironed after laundering. Accordingly Morales indeed provides garments which will not wrinkle by applying thereto a composition comprising the ingredients as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is (703) 308-3826.

The examiner can normally be reached on Monday to Thursday and alternate Fridays from 7:00 A.M. to 4:30 P.M. The fax phone number for this Technology Center is (703) 305-3599

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

MARGARET EINSMANN

PRIMARY EXAMINER 1751

June 12, 2003